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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,150	12/18/2001	Pascal Joly	50018447-1	6644

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/020,150

Applicant(s)

JOLY ET AL.

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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**Response to Amendment**

1. The amendment filed on April 14, 2005 has been fully considered but are moot in view of the new ground(s) of rejection.

- Claims 1 and 12 are amended.
- Claims 1-15 are presented for examination.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry USPN. (6615258) in view of Lawande et al USPN. No. (6405247), hereinafter "Lawande".

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2. Claims rejected under 35 U.S.C. 102(e) as being anticipated by As per claim 1, Barry teaches a network-based service provider architecture (fig. 1 and fig. 7), comprising:

a plurality of cells hosting a multi-tiered application environment (fig. 7, 39, 30 and 159 and col. 4, lines 21-54 and col. 16, lines 6-20); and

a common logical network layer providing network connectivity and enforcing individual access policy of each cell of the plurality of cells, wherein each cell is connected to the common logical network layer (fig. 7, interact infrastructure is connected to OE server database which includes security information and user access privileges col. 18, lines 30-60).

Although Barry shows substantial features of the claimed invention, he does not explicitly show a stacked architecture which permits cells to be added or deleted without impacting other cells of the plurality of cells.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Barry, as evidenced by Lawande USPN. (6405247).

In analogous art, Lawande whose invention is about a system for operating Internet protocol over high-speed serial bus configured and capable of inserting and removing nodes on the network without loss of data (abstract), discloses a stackable

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architecture which permits cells (nodes/modules) to be added or deleted (removed) without impacting other cells of the plurality of cells (without disturbing the on-going traffic on the system) [Col. 6, lines 12-26 and col. 16, lines 20-48].

Giving the teaching of Lawande, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Barry by employing the system of stackable architecture of Lawande because it provides a means for inserting or removing nodes from a network at any level in the computer architecture without disturbing the on-going traffic on other nodes in the network. Also, it allows the expandability of the system based on user's needs [Col. 4, lines 64-67 and col. 6, lines 12-21].

As per claim 2, Barry teaches the architecture of claim 1, wherein each cell comprises one or more servers or devices, the one or more servers or devices sharing network address space and access policy (col. 18, lines 54 to col. 19, line 41 and col. 50, lines 35-37).

As per claim 3, Barry teaches the architecture of claim 1 wherein access policy comprises rules and mechanisms controlling

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the flow of data in and out of each cell (col. 18, lines 30 to col. 19, line 41).

As per claim 4, Barry teaches the architecture of claim 1 wherein access policy comprises at least one of authentication, authorization, access enforcement, privacy protections and integrity guarantees (col. 18, lines 63 to col. 19, line 33).

As per claim 5, Barry teaches the architecture of claim 1 wherein the network connectivity comprises at least one of a local area network function and a wide area network function, wherein the common logical network layer connects cells which are geographically distant from each other (col. 3, lines 42-63 and col. 30, lines 53-69).

As per claim 6, Barry teaches the architecture of claim 1 wherein the network connectivity comprises connecting cells with at least one of private user networks and the Internet (col. 10, lines 36-58).

As per claim 7, Barry teaches the architecture of claim 1 wherein the multi-tiered application comprises any function or

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service that uses resources from more than one cell (col. 9, lines 10-37).

As per claim 8, Barry teaches the architecture of claim 1, wherein the multi-tiered application environment comprises infrastructure to host multiple users (col. 15, lines 36-59).

As per claim 9, Barry teaches the architecture of claim 1 wherein the cells of the multi-tiered application environment comprise at least one of added value functions, system administration functions and security monitoring functions (col. 15, lines 29-49 and col. 16, lines 45-60).

As per claim 10, Barry teaches the architecture of claim 1, wherein the plurality of cells comprises at least one front end cell and a back end cell, the front end cell including a web server front-end delivering content and the back end cell including a database back-end (fig. 2 and fig. 7. see corresponding columns).

As per claim 11, Barry teaches the architecture of claim 10, wherein the front end cell comprises at least two front end cells including a first front end cell and a second front end

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cell, wherein access to the first front end cell is shared by all users of the network-based service and access to the second Front-end cell is limited to a designated user of the network-based service (fig. 2 and fig. 7. col. 18, lines 30 to col. 19, line 33).

As per claim 12, Barry teaches a method for providing a network-based service (fig. 1 and fig. 7), comprising:

receiving data in a common logical network layer from at least one of a cell of a plurality of cells of a multi-tiered application and a network (fig. 7, 39, 30 and 159 and col. 4, lines 21-54 and col. 16, lines 6-20);

enforcing access policy of a destination cell of the plurality of cells to which the data is directed, if the data is directed to a cell of the plurality of cells (col. 18, lines 6-20 and col. 16, lines 54 to col. 19, line 41 and col. 50, lines 35-37);

enforcing access policy of a source cell of the plurality of cells, if the data is received from a cell of the plurality of cells (col. 18, lines 6-20 and col. 16, lines 54 to col. 19, line 41 and col. 50, lines 35-37);

transmitting the data to at least one of the destination cell and the network (col. 16, lines 16-20).



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As for the new limitation of a stacked architecture which permits cells to be added or deleted without impacting other cells of the plurality of cells, see the rejection on claim 1 above.

As per claim 13, Barry teaches the method of claim 12, wherein enforcing access policy comprises enforcing rules and mechanisms controlling the flow of data in and out of at least one of the source cell and destination cell (col. 18, lines 30 to col. 19, line 41).

As per claim 14, Barry teaches the method of claim 12, wherein enforcing access policy comprises performing at least one of authentication, authorization, access enforcement, privacy protections, and integrity guarantees col. 18, lines 63 to col. 19, line 33).

As per claim 15, Barry teaches the method of claim 12, wherein each cell of the plurality of cells comprises one or more servers or devices, the one or more servers or devices sharing network address space and access policy (col. 18, lines 54 to col. 19, line 41 and col. 50, lines 35-37).

### Conclusion

3. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100